IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Bail Appl..No. 6331 of 2007()

CRMP.3293/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.388/2007 OF KILIKOLLOOR POLICE STATION

.....

: PETITIONER/ACCUSED

MANUGOPALAN, AGED 36 YEARS,
S/O. GOPALAN, KALANIKETAN, PALKULANGARA,
KILIKOLLOOR, KOLLAM.

BY ADV. SRI.DILEEP P.PILLAI
SRI.S.SAIJU

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6331 of 2007

Dated this the 17th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations of offences punishable, inter alia, under Section 3 of the P.D.P.P Act. The crux of the allegations against the petitioner is that he, along with co-accused on account of prior animosity, allegedly destroyed the electric light of the K.S.E.B in front of the house of the defacto complainant and unleashed an attack on the defacto complainant. No serious injuries have resulted. All other offences alleged are bailable offences except the one under Section 3(2) of the P.D.P.P Act. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. His name has not been specifically mentioned in the F.I statement as one of those who had indulged in the specific culpable overt acts. Directions under Section 438 Cr.P.C may be issued in favour of the petitioner to save him from the undeserved trauma of arrest and detention.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the F.I statement clearly

shows that the incident took place as a retaliation by the petitioner and that the other accused are his friends. Investigation is not complete. All the other accused had surrendered before the learned Magistrate and have been enlarged on bail. There is absolutely no justification in the petitioner seeking anticipatory bail, submits the learned Public Prosecutor. This application for anticipatory bail may be dismissed, submits the learned Public Prosecutor .

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I take note of the submission of the learned Public Prosecutor that the petitioner is involved in several other crimes also. It is for the petitioner to appear before the learned Magistrate and seek regular bail in the ordinary course.

5. This application is, in these circumstances, dismissed, but I may hasten to observe that if the petitioner surrenders before the the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

(R.BASANT, JUDGE)

rtr/-